



IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
RESPONSE/AMENDMENT

Case Docket No. 8004

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Inventor(s): Vincent York-Leung Wong, et al. Confirmation No. 1716

Serial No.: 09/813,251

Group Art Unit: 1761

Date Filed: March 20, 2001

Examiner: Helen F. Pratt

Title: LOW FAT NUT SPREAD COMPOSITION WITH HIGH PROTEIN AND FIBER

17618

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on March 17, 2003

Melody A. Jones 44,175  
Name of Attorney/Agent Registration No.  
*Melody A. Jones*  
Signature of Attorney

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TC 1700

1. ☒ [X] No additional fee is known to be required.
2. ☐ [ ] The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	*	MINUS	**	=	x \$18 =	\$
INDEP.	*	MINUS	***	=	x \$84 =	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$280 =	\$
					TOTAL	\$

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.

\*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☐ [ ] The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$ for a -month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
  - a. ☒ [x] Any patent application processing fees under 37 CFR §1.16.
  - b. ☒ [x] Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

*Melody A. Jones*  
Melody A. Jones  
Attorney for Applicants  
Registration No. 44,175  
Tel. No. (513) 634-6944

Date: March 17, 2003  
Customer No. 27752



<h2 style="text-align: center; margin: 0;">FEE TRANSMITTAL</h2> <h3 style="text-align: center; margin: 0;">for FY 2003</h3> <p style="text-align: center; font-size: small;">Patent fees are subject to annual revision.</p> <div style="text-align: center; margin-top: 20px;"> </div>	<div style="text-align: right; font-weight: bold; margin-bottom: 10px;">Complete if Known</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Application Number</td> <td>09/813,251</td> </tr> <tr> <td>Confirmation Number</td> <td>1716</td> </tr> <tr> <td>Filing Date</td> <td>March 20, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Vincent York-Leung Wong</td> </tr> <tr> <td>Examiner Name</td> <td>Helen F. Pratt</td> </tr> <tr> <td>Group/Art Unit</td> <td>1761</td> </tr> <tr> <td>Attorney Docket No.</td> <td>8004</td> </tr> </table>	Application Number	09/813,251	Confirmation Number	1716	Filing Date	March 20, 2001	First Named Inventor	Vincent York-Leung Wong	Examiner Name	Helen F. Pratt	Group/Art Unit	1761	Attorney Docket No.	8004
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TOTAL AMOUNT OF PAYMENT (\$) <b>180.00</b>															

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METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																								
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p style="margin-left: 20px;">Deposit Account Number <b>16-2480</b></p> <p style="margin-left: 20px;">Deposit Account Name <b>The Procter &amp; Gamble Company</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17</p>	<p>3. ADDITIONAL FEES</p> <table style="width: 100%; font-size: small;"> <thead> <tr> <th>Code</th> <th>(\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>Surcharge-late filing fee or oath</td><td><input type="checkbox"/></td></tr> <tr><td>1052</td><td>50</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="checkbox"/></td></tr> <tr><td>1053</td><td>130</td><td>Non-English specification</td><td><input type="checkbox"/></td></tr> <tr><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td><input type="checkbox"/></td></tr> <tr><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner's action <input type="checkbox"/></td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner's action <input type="checkbox"/></td><td></td></tr> <tr><td>1251</td><td>110</td><td>Extension for reply within 1<sup>st</sup> month</td><td><input type="checkbox"/></td></tr> <tr><td>1252</td><td>410</td><td>Extension for reply within 2<sup>nd</sup> month</td><td><input type="checkbox"/></td></tr> <tr><td>1253</td><td>930</td><td>Extension for reply within 3<sup>rd</sup> month</td><td><input type="checkbox"/></td></tr> <tr><td>1254</td><td>1,450</td><td>Extension for reply within 4<sup>th</sup> month</td><td><input type="checkbox"/></td></tr> <tr><td>1255</td><td>1,970</td><td>Extension for reply within 5<sup>th</sup> month</td><td><input type="checkbox"/></td></tr> <tr><td>1401</td><td>320</td><td>Notice of Appeal</td><td><input type="checkbox"/></td></tr> <tr><td>1402</td><td>320</td><td>Filing a brief in support of an appeal</td><td><input type="checkbox"/></td></tr> <tr><td>1403</td><td>280</td><td>Request for oral hearing</td><td><input type="checkbox"/></td></tr> <tr><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td><input type="checkbox"/></td></tr> <tr><td>1452</td><td>110</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	<b>Melody A. Jones</b>	Registration No.	<b>44,175</b>
Signature		Telephone	(513) 634-6944
		Date	March 17, 2003

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 March 17, 2003

Melody A. Jones	44,175
Name of Attorney	Registration No.
Melody A. Jones	
Signature of Attorney	

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In the Application of: :  
Vincent York-Leung Wong et al. : Confirmation No.: 1716  
Serial No.: 09/813,251 : Group Art Unit: 1761  
Filed: March 20, 2001 : Examiner: Pratt, Helen F.  
For: LOW FAT NUT SPREAD COMPOSITION WITH HIGH PROTEIN AND FIBER

#8  
4/11/03  
mw

**RESPONSE TO OFFICE ACTION DATED 12/17/02**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated 12/17/02 for the above-identified patent application. The Examiner is respectfully requested to reconsider the application in view of the following remarks. Also enclosed is a Supplemental IDS.

**REMARKS**

**A. Status of the Case**

Claims 1-64 are rejected as obvious under 35 U.S.C. §103(a) as being unpatentable over Meade [U.S. Patent 6,010,737] in view of Composition of Foods, page 112. Claims 1-64 are pending in the case.

No amendments are made herein. No new matter is added.

**B. 35 U.S.C. §103(a) Obviousness Rejection**

The Examiner rejects Claims 1-64 as obvious under 35 U.S.C. §103(a) as being unpatentable over Meade in view of Composition of Foods. Applicants respectfully submit that this rejection is improper because the Examiner has not established a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. Furthermore, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the